

CITY OF ATLANTA
ATLANTA, GEORGIA

04-0 -0396

AN ORDINANCE

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF SCOTT HENRY VIRGINS v. P.E. ATLANTA, INC. and VINCENT AMERENA, IN THE SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA, CIVIL ACTION FILE NO. 03-A-7407-2, IN THE AMOUNT OF \$1,500.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, on April 29, 2000, Scott Henry Virgins arrived in the vicinity of Bell Bottoms, a nightclub owned by P.E. Atlanta, Inc.; and

WHEREAS, Mr. Virgins attempted to gain entrance to the nightclub without payment of a cover charge; and

WHEREAS, Mr. Virgins was advised to leave the vicinity of the nightclub by nightclub personnel; and

WHEREAS, upon Mr. Virgins's refusal to leave, Atlanta Police Department Officer Vincent Amerena was informed of the situation; and

WHEREAS, Officer Amerena approached Mr. Virgins and advised him several times to leave the vicinity of the nightclub or face being arrested; and

WHEREAS, there are questions of disputed material facts regarding whether Officer Amerena had probable cause to arrest Mr. Virgins and regarding whether unreasonable force was used to effect said arrest; and

WHEREAS, during the arrest Mr. Virgins sustained abrasions, contusions, and other injuries; and



WHEREAS, Mr. Virgins was confined as the result of his arrest for a period in excess of twelve (12) hours; and

WHEREAS, the criminal charges brought against Mr. Virgins were eventually dismissed upon Mr. Virgins's completion of a so-called "pre-trial intervention program"; and

WHEREAS, Mr. Virgins's lawsuit alleges that Officer Amerena is liable for battery, false imprisonment, false arrest, malicious prosecution; and

WHEREAS, Mr. Virgins's lawsuit seeks general, special and punitive damages as well as court costs and attorney's fees; and

WHEREAS, Mr. Virgins incurred approximately \$1,890.00 in medical expenses related to injuries received during the arrest; and

WHEREAS, Mr. Virgins incurred approximately \$1,000.00 in attorney's fees related to defending the criminal charges; and

WHEREAS, counsel for the parties have tentatively agreed to resolve all claims in this matter for a total of \$3,000.00 (\$1,500.00 of which would be contributed on behalf of each: Officer Amerena and Bell Bottoms) including attorney's fees, contingent upon the approval of the Atlanta City Council and the Mayor; and

WHEREAS, by this settlement Officer Amerena admits no liability or wrongdoing, nor are either implied on the part of the City of Atlanta; and

WHEREAS, the offer of settlement acceptable to Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against Officer Amerena arising out of the case of Virgins v. P.E. Atlanta, Inc., et al.



THE COUNCIL OF THE CITY OF ATLANTA, HEREBY ORDAINS as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Virgins v. P.E. Atlanta, Inc., et al. in the amount of One Thousand, Five Hundred Dollars (\$1,500.00).

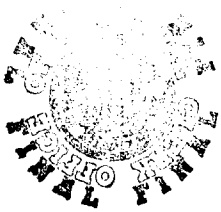
SECTION 2. The Chief Financial Officer is authorized to pay the total of One Thousand, Five Hundred Dollars (\$1,500.00) from the account of 1A01-529017-T31001, "Settlement of Suits and Claims." Payment shall be in the form of a check in the amount of \$1,500.00, payable to Scott Henry Virgins and The Manely Firm, P.C. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers.

A true copy,

Phonla Daughin Johnson
Municipal Clerk

ADOPTED by the City Council
APPROVED by the Mayor

April 19, 2004
April 27, 2004



THE COUNCIL OF THE CITY OF ATLANTA, HEREBY ORDAINS as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Virgins v. P.E. Atlanta, Inc., et al. in the amount of One Thousand, Five Hundred Dollars (\$1,500.00).

SECTION 2. The Chief Financial Officer is authorized to pay the total of One Thousand, Five Hundred Dollars (\$1,500.00) from the account of 1A01-529017-T31001, "Settlement of Suits and Claims." Payment shall be in the form of a check in the amount of \$1,500.00, payable to Scott Henry Virgins and The Manely Firm, P.C. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers.

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(Do Not Write Above This Line)

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Jerry L. DelGach
Deputy City Attorney

ADOPTED BY

APR 19 2004

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

COUNCIL

Date Referred 3/15/2004
Referred To: E. Boyd Administration

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee PSLA
Date 3-15-04
Chair C. MARTIN
Referred To PSLA

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Fav, Adv, Hold (see rev. side)
Other

Chair

Date

Committee

Refer To

Refer To

Committee

Committee

Date

Date

Chair

Chair

Action

Action

Fav, Adv, Hold (see rev. side)

Fav, Adv, Hold (see rev. side)

Other

Other

Members

Members

Refer To

Refer To

- ☒ FINAL COUNCIL ACTION
☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

COUNCIL PRESIDENT PROTTEM

CERTIFIED
APR 19 2004
Ruthie Dunbar
MUNICIPAL CLERK

MAYOR'S ACTION

APR 27 2004